

### Remarks/Arguments

1. Information Disclosure Statement

a. *Information Disclosure Statement Filed 20 November 2004*

Applicants note that on an Information Disclosure Statement [hereinafter IDS1] filed on 20 November 2004 and received by the United States Patent and Trademark Office [hereinafter USPTO] on 26 November 2004, references D247, D249, D250, D278-D280, D301, D312-D319, D323, D325, and D326 [hereinafter REFS] were crossed off. Further, Applicants note that on IDS1 proximate to REFS, the words "NOT PUBLIC" appear. To that end, Applicants assume REFS were crossed off for allegedly containing serial numbers of United States patent applications filed with the USPTO.

Referring to 37 CFR § 1.98(a) it is stated "[a]ny information disclosure statement filed under [37 CFR] § 1.97 shall include...[a] list of all patents, publications, applications, or other information submitted for consideration by the Office." Further, referring to 37 CFR §1.98(b)(3) it is stated "[e]ach U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date."

To that end, Applicants respectfully contend that REFS comport with the requirements of 37 CFR § 1.98(b)(3). Applicants submit here with a Supplemental Information Disclosure Statement [hereinafter SUPP IDS1] having REFS listed thereon. More specifically, references D247, D249, D250, D278-D280, D312-D314, D316-D318, D325, and D326 of IDS1 are cited as references J1, J2, J3, J4-J6, J7-J9, J11-J13, J14, and J15 of SUPP IDS1 respectively, now United States patent application publications; references D301 and D323 of IDS1 are cited as references J16 and J17 of SUPP IDS1; and reference D315 of IDS1 is cited as reference J10 of SUPP IDS1, now a United States patent. Further, please note that reference D319 is a citation of the present patent application and as a result, is not cited on SUPP IDS1. Applicants apologize for the error and any inconvenience to the Examiner.

b. *Information Disclosure Statement filed 26 February 2004*

Applicants note that on an Information Disclosure Statement [hereinafter IDS2] filed on 26 February 2004 and received by the USPTO on 11 March 2004, the total number of sheets (indicated as 5) of IDS2 was crossed-off and replaced with the numeral 1. Further, it is noted proximate to the total number of sheets of IDS2 the words "cannot locate sheets 2-5[.]" To that end, Applicants submit herewith a Supplemental Information Disclosure Statement [hereinafter SUPP IDS2] having references located on sheets 2-5 of IDS2 listed thereon. Applicants apologize for the error and any inconvenience to the Examiner.

2. Response to Restriction Requirement

Applicants hereby affirm the telephone election made to prosecute the invention of Group I of which claims 1-19 read on. To that end, Applicants have cancelled claims 20-25 associated with Group II.

3. Objections to the Specification

a. *Abstract*

In the Office action, it was stated "[t]he language [of the abstract] should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, 'The disclosure concerns,' 'The disclosure defined by this invention,' 'The disclosure describes,' etc. The examiner suggests deleting the phrase 'The present invention pertains to'. See Office action, page 3. Further, it is stated "[w]here applicable, the abstract should include the following:...(5) if a process the steps...It is noted that the claimed invention is directed to a method. The examiner suggests amending the abstract to reflect [the] same." See Office action, page 4. To that end, the abstract has been amended such that the aforementioned informalities have been removed. No new matter has been introduced by these amendments.

b. *Title of the Invention*

In the Office action, it was stated “[t]he title of the invention is not descriptive...It is noted that the claimed invention is directed solely to a method. The examiner suggest amending the title to reflect [the] same.” See Office action, page 4. To that end, the title has been amended such that the aforementioned informalities have been removed. No new matter has been introduced by these amendments.

4. Rejections under 35 USC § 112, second paragraph

In the Office action, claims 3, 11, and 17 were rejected under 35 USC § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regarded as the invention. To that end, claim 3 has been cancelled and claims 11 and 17 have been amended such that same comport with the requirements of 35 USC § 112, second paragraph.

5. Rejections under 35 USC § 103(a)

In the Office action, claims 1, 10, and 16 were rejected under 35 USC § 103(a) as allegedly being unpatentable over United States patent 6,664,026 to Nguyen et al. [hereinafter Nguyen].

Claims 1, 10, and 16, as amended, define a method of creating a template, the method including, *inter alia*, disposing a diamond-like composition on a surface of the template having properties sufficient to be substantially transmissive of a predetermined wavelength and provide the surface with a predetermined surface energy to minimize adhesion to a material in contact therewith.

Applicants advocate this method in order to improve the quality of features defined in a material formed on a substrate. See ¶ [0006]. More specifically, Applicants’ claimed invention involves providing a surface of a template with a predetermined surface energy to minimize adhesion to a material in contact therewith such that during

separation of the material from the template, the material is less likely to tear or shear. See ¶ [0025].

Nguyen does not teach disposing a diamond-like composition on a surface of a template such that the surface has a predetermined surface energy to minimize adhesion to a material in contact therewith. Rather, Nguyen teaches positioning a diamond like carbon (DLC) layer on a substrate such that the DLC layer exhibits **good adhesion** to a resist layer positioned thereon. See column 2, lines 12-18. More specifically, Nguyen teaches disposing the DLC layer on an etch barrier layer, the etch barrier layer being positioned on the substrate. To that end, the DLC layer “functions as a **very good adhesion layer** with the first resist layer 104.” See column 2, lines 58-65. Applicants, on the other hand, teach the diamond-like composition [DLC layer in Nguyen] minimizes adhesion to a material [the first resist layer 104 in Nguyen]. Thus, it becomes evident that Nguyen teaches away from Applicants’ claimed invention by teaching the DLC layer exhibiting great adhesion to a resist layer positioned thereon.

Based upon the foregoing, Applicants respectfully contend that a *prima facie* case of obviousness is not present with respect to claims 1, 10, and 16, as amended.

#### 6. Double Patenting

In the Office action, claims 1-19 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-49 United States patent 6,916,584.

As mentioned above, claims 1, 10, and 16, as amended, define a method of creating a template, the method including, *inter alia*, disposing a diamond-like composition on a surface of the template having properties sufficient to be substantially transmissive of a predetermined wavelength and provide the surface with a predetermined surface energy to minimize adhesion to a material in contact therewith.

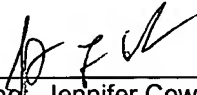
Claims 1-49 of United States patent 6,916,584 are completely silent with respect to disposing a diamond-like composition on a surface of a template such that the surface has a predetermined surface energy to minimize adhesion to a material in contact therewith. Rather, claims 1-49 of United States patent 6,916,584 are directed towards a method of aligning a substrate with a template such that template alignment marks are aligned with substrate alignment marks. Claims 1-49 of United States patent 6,916,584 have no mention of a disposing a diamond-like composition on a surface of the template, much less the diamond-like composition providing the surface with a predetermined surface energy to minimize adhesion to a material in contact therewith. Thus, claims 1-49 of United States patent 6,916,584 are not directed towards disposing a diamond-like composition on a surface of a template such that the surface has a predetermined surface energy to minimize adhesion to a material in contact therewith. Therefore, Applicants respectfully contend that claims 1-49 of United States patent 6,916,584 do not render claims 1-19 of the present patent application obvious.

7. The Non-obviousness of the Dependent Claims

Considering that the dependent claims include all of the features of the independent claims from which they depend, these claims are patentable to the extent that the independent claims are patentable. Therefore, Applicants respectfully contend that the dependent claims define a method suitable for patent protection.

Appl. No. 10/687,519  
Amdt. dated 3 February 2006  
Reply to Office action of 12 September 2005

Applicants respectfully request examination in view of the remarks. A notice of allowance is earnestly solicited.

|   |
|---|
| <p style="text-align: center;"><b>CERTIFICATE OF<br/>TRANSMISSION/MAILING</b></p> <p>I hereby certify that this correspondence<br/>is being facsimile transmitted to the<br/>USPTO or deposited with the United<br/>States Postal Service with sufficient<br/>postage as first class mail, in an<br/>envelope addressed to the<br/>Commissioner for Patents.</p> <p>Signed: <u></u><br/>Typed Name: Jennifer Cowlishaw<br/>Date: <u>02/03/2006</u></p> |
|---|

Respectfully Submitted,



Michael D. Carter  
Reg. No. 56,661  
Registered Patent Agent  
Legal Department  
Molecular Imprints, Inc.  
P.O. Box 81536  
Austin, Texas 78708-1536  
Telephone: 512-339-7760  
Facsimile: 512-491-8918